

DFEH News Brief

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For Immediate Release

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\$100,000 IN DAMAGES AWARDED TO VICTIM OF POST- 9/11 HATE VIOLENCE ATTACK AT SAN DIEGO AREA GAS STATION

Sacramento – The Department of Fair Employment and Housing (DFEH) today announced that a former gas station attendant has been awarded \$100,000 in damages by the Fair Employment and Housing Commission (FEHC) for a hate-motivated attack that occurred in the wake of the September 11 terrorist attacks.

The victim, a La Mesa resident of Jordanian descent, was working the graveyard shift at a San Diego area gas station around midnight on November 18, 2001, when Horacio Plascencia entered the station and asked for a pack of cigarettes. After refusing to pay for the item, Plascencia brandished a screwdriver and threatened to kill the victim, insisting the victim was from Afghanistan and saying the attendant was “with the guy who tried to destroy America.” Plascencia grabbed and scuffled with the attendant, pinning the victim’s head to the counter and stabbing him in the finger and right temple. Police apprehended Plascencia a short time later.

A complaint was filed with DFEH on March 20, 2002. The Department successfully prosecuted the case before the FEHC. “This decision reconfirms the fact that every person has the right to live and work in California without fear of intimidation and physical attack because they appear to be of a certain heritage,” stated Jill Peterson, Interim Director. “This is an unfortunate example of the type of hateful acts that were committed in the wake of the September 11 terrorist attacks. We hope this victim will ultimately be able to recover from the devastating physical and emotional effects of this incident.”

The FEHC found that Plascencia discriminated against the victim because of his national origin and ordered Plascencia to pay \$75,000 in actual damages for the victim’s emotional distress and \$25,000 as a civil penalty for the unlawful hate violence. Plascencia was sentenced to six years in state prison following an admission to the attack as part of a plea agreement. He is incarcerated at Ironwood State Prison in Blythe, California, and has the right to appeal the Commission’s decision. The victim has since returned to Jordan.

California’s *Ralph Civil Rights Act*, Civil Code section 51.7, forbids violence or threats of violence because of a person’s race, color, religion, ancestry, national origin, age, disability, sex, sexual orientation, political affiliation or position in a labor dispute. Prohibited acts include verbal or written threats, physical assault, or attempted assault, graffiti, vandalism or property damage.

Victims of hate violence may call the DFEH toll-free hotline at (866) 460-HELP. Further information about DFEH and the Ralph Act may be obtained by visiting the Department’s web site at www.dfeh.ca.gov or by calling (800) 884-1684.